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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,866	11/20/2003	Michael A. Huff	2672-47	5650
23117	7590	12/16/2004		EXAMINER
NIXON & VANDERHYE, PC				THOMAS, ERIC W
1100 N GLEBE ROAD				
8TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22201-4714			2831	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/716,866	HUFF, MICHAEL A.
	Examiner	Art Unit
	Eric W Thomas	2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-102 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-88, 98 is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) 89-97, 99-102 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 November 2003 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim 89 is objected to because of the following informalities:

Claim 89, line 3, insert –on—after "microfabricated". Appropriate correction is required.

Allowable Subject Matter

3. Claims 1-88, 98 are allowed.

4. Claims 89-97, 99-102

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or fairly suggest (taken in combination with the other claimed features) a variable capacitor device comprising a second multilayered substrate formed from a LTCC material, a portion of the second substrate being removed to form a cavity therein (claim 1 and all that depends on claim 1); a second multilayered substrate formed from the LTCC material, a portion of the second substrate being removed to form a cavity therebetween (claim 24 and all that depends on claim 24); means for enclosing in a cavity the variable capacitance means (claim 54 and all that depends on claim 54); and a second multilayered substrate formed from the

selected material, a portion of the second substrate being removed to form a cavity therein (claim 89, and all that depends on claim 89).

Conclusion

6. This application is in condition for allowance except for the following formal matters:

Applicant is required to review the specification and correct any errors.

Applicant is required to submit an amendment to overcome the claim objection found in the instant action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,694,583 – discloses an embedded capacitor in a low-temperature co-fired ceramic substrate.

6,212,056 – discloses a capacitor between two wafers.

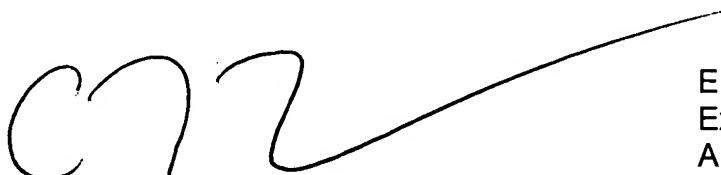
5,594,171 – discloses a capacitance type acceleration sensor.

6,815,739 – discloses a radio frequency microelectromechanical system device with LTCC structure (applicant prior patent).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric W Thomas whose telephone number is 571-272-1985. The examiner can normally be reached on M,Tu,Sat 9 am - 9:30 pm; W, Th, F 6 pm -10:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric W Thomas
Examiner
Art Unit 2831

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